

3793  
1 BILL NO. G-77-09-09

2 GENERAL ORDINANCE NO. G- 37-77

3 AN ORDINANCE amending certain Sections  
4 of the Code of the City of Fort Wayne,  
Indiana of 1974.

5  
6 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF  
7 FORT WAYNE, INDIANA:

8 SECTION 1. That the following sections of The Code of  
9 the City of Fort Wayne, Indiana of 1974 be and the same are  
10 hereby amended to read as follows:

11 Section 1-8 Whenever in any chapter or section of  
12 this Code, the doing of any act, or the omission to do any act  
13 or duty, is declared to be a breach thereof, and there shall be  
14 no fine or penalty declared for such, any person who shall be  
15 convicted of any breach shall be adjudged to pay a fine of  
16 not more than One Thousand Dollars (\$1,000.00). Each day any  
17 violation of this Code or of any ordinance shall continue shall  
18 constitute a separate offense.

19 Section 5-28 (c) Any person violating any of the pro-  
20 visions of this section shall, upon conviction, be fined in any  
21 sum not less than Twenty-five Dollars (\$25.00) nor more than  
22 Two Hundred Dollars (\$200.00).

23 Section 5-29 (c) Any person violating any of the  
24 provisions of this section shall, upon conviction, be fined in any  
25 sum not less than Twenty-five Dollars (\$25.00) nor more than  
26 Two Hundred Dollars (\$200.00).

27 Section 12-10 (a) Any person who shall violate any of  
28 the Fire Prevention Code hereby adopted or fail to comply  
29 therewith, who shall violate or fail to comply with any order  
30 made thereunder, or who shall build in violation of any detailed  
31 statement of specifications or plans submitted and approved  
32 thereunder or any certificate or permit issued thereunder and  
33 from which no appeal has been taken, or who shall fail to comply  
34 with such an order as affirmed or modified by the Board of Public  
35 Safety or by a Court of competent jurisdiction, within the time

**APPROVED AS TO FORM  
AND LEGALITY,**

  
\_\_\_\_\_  
CITY ATTORNEY

1       fixed herein, shall severally for each and every such violation  
2       and non-compliance respectively be guilty of a misdemeanor,  
3       punishable by a fine of no more than Three Hundred Dollars (\$300.  
4       00). The imposition of one penalty for any violation shall not  
5       excuse the violation or permit it to continue, and all such  
6       persons shall be required to correct or remedy such violations or  
7       defects within a reasonable time. When not otherwise specified,  
8       each five days that prohibited conditions are maintained, shall  
9       constitute a separate offense.

10                  Section 14-7 Any person violating any of the provisions  
11       of sections 14-5 and 14-6, upon conviction thereof, shall be  
12       fined for each offense, in any sum not less than Twenty-five  
13       Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00),  
14       and each day's violation shall constitute a separate offense.

15                  Section 17-6 Unless another penalty is expressly  
16       provided by law, every person convicted of a violation of any  
17       provision of this chapter shall be punished by a fine of not  
18       more than One Hundred Dollars (\$100.00).

19                  Section 17-113 Any person violating any provision of  
20       this article shall be guilty of a misdemeanor and, upon convic-  
21       tion thereof, shall be fined in the amount not exceeding Three  
22       Hundred Dollars (\$300.00). Each day such violation is committed  
23       or permitted to continue shall constitute a separate offense and  
24       shall be punishable as such hereunder.

25                  Section 18-14 Whoever utters an approbrious of vile  
26       epithet involving moral turpitude or profaning God, Jesus Christ,  
27       or the Holy Ghost, in the presence of anyone, or whoever uses  
28       vile or indecent language, shall be deemed guilty of disorderly  
29       conduct, and, upon conviction, shall be fined in any sum not  
30       exceeding One Hundred Dollars (\$100.00).

31                  Section 18-19 (b) Any person violating any of the  
32       provisions of this section shall be deemed guilty of a misdemean-  
33       or and upon conviction thereof shall be fined in an amount not  
34       exceeding Three Hundred Dollars (\$300.00). Each day such viol-  
35       ation is committed or permitted to continued shall constitute a  
                          separate offense and shall be punishable as such hereunder.

1  
2                   Section 18-32 (c) Specific offenses. Whoever accosts  
3 or approaches any person of the opposite sex, unknown to such  
4 person, and by word or sign or gesture, attempts to speak to  
5 or becomes acquainted with the person against his will, on a public  
6 street or other public place in the city, except in the  
7 transaction of legitimate business, or whoever, on a public  
8 street or other public place in the city, attempts to entice or  
9 procure any person to commit or become involved in an unlawful  
10 or indecent sexual act or relationship, or whoever accosts or  
11 approaches any person on a public street or other public place  
12 in the city, and by word, sign or gesture, suggests, invites  
13 or offers, the doing of any indecent, immoral or unnatural sexual  
14 act, or whoever accosts or approaches a person on a public  
15 street or other public place, and by word, sign or gesture,  
16 suggests or invites, agrees or offers to procure, direct to  
17 or furnish such person with the means or opportunity of engaging  
18 in an immoral, indecent or unlawful sexual act or relationship  
19 shall be deemed to have committed the crime of offending persons  
20 in public places, and upon conviction, shall be fined in any  
21 sum not exceeding One Hundred Dollars (\$100.00). Upon a second  
22 conviction, such persons shall be punished by a fine of not less  
23 than Fifty Dollars (\$50.00) nor more than Two Hundred Dollars  
24 (\$200.00). Upon a third or subsequent conviction, such persons  
25 shall be punished by a fine of not less than One Hundred Dollars  
(\$100.00) and no more than Three Hundred Dollars (\$300.00).

27                   Section 18-48 (g) Any person who violates this section  
28 or fails to obey any order of the City-County Board of Health  
29 issued pursuant to this section shall be subject to a fine of  
30 not more than Two Hundred Fifty Dollars (\$250.00).

31                   SECTION 2. This Ordinance shall remain in full force  
32 and effect from and after its passage, approval by the Mayor and  
33 legal publication thereof.

34                   Virian G. Schmidt  
35                   Councilman

Read the first time in full and on motion by C. Schmidt, seconded by

Hinga, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_, at \_\_\_\_\_ o'clock M., E.S.T.

DATE: 9-13-77

Charles W. Hettich  
CITY CLERK

Read the third time in full and on motion by D. Schmidt, seconded by Hinga, and duly adopted, placed on its passage.

PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>8</u>	<u>0</u>	_____	<u>1</u>	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>HINGA</u>	<u>✓</u>	_____	_____	_____	_____
<u>HUNTER</u>	<u>✓</u>	_____	_____	_____	_____
<u>MOSES</u>	<u>✓</u>	_____	_____	_____	_____
<u>NUCKOLS</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT, D.</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT, V.</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	_____	_____	_____	<u>✓</u>	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 9-27-77

Charles W. Hettich  
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as

(ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE

(RESOLUTION) No. 12-37-77 on the 27th day of September, 1977  
ATTEST: (SEAL)

Charles W. Hettich  
CITY CLERK

John Nuckols  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of September, 1977, at the hour of 11:30 o'clock A M., E.S.T.

Charles W. Hettich  
CITY CLERK

Approved and signed by me this 29th day of September, 1977, at the hour of 4:00 o'clock P M., E.S.T.

Rahat Jumehong  
MAYOR

~~10/10/77~~  
Bill No. G-77-09-09

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance  
amending certain Sections of the Code of the City of Port Wayne, Indiana of 1974

have had said Ordinance under consideration and beg leave to report back to the Common  
Council that said Ordinance also PASS.

VIVIAN G. SCHMIDT - CHAIRMAN

WINFIELD C. MOSES, JR. - VICE CHAIRMAN

WILLIAM T. HINGA

DONALD SCHMIDT

SAMUEL J. TALARICO

Vivian G. Schmidt  
Winfield C. Moses Jr.  
William T. Hinga  
Donald Schmidt  
Samuel J. Talarico

9-27-77 CONCURRED IN  
DATE CHARLES W. WESTERMAN, CITY CLERK



# City Clerk Memorandum

CHARLES W. WESTERMAN, Clerk

To \_\_\_\_\_ Mayor Robert E. Armstrong Date 9-21-77  
From \_\_\_\_\_ Charles W. Westerman - City Clerk  
Subject \_\_\_\_\_ Appearance before Common Council - 9-27-77 -- 7:00 P.M.

COPIES TO:

BILL NO. G-77-09-09

AN ORDINANCE amending certain Sections of  
the Code of the City of Fort Wayne, Indiana  
of 1974

Pursuant to the request of the Standing Committee Chairman of  
Regulations of the Common Council, the presence of William N.  
Salin - City Attorney or an associate attorney familiar with  
the above ordinance, is respectfully requested on September 27,  
1977, at 7:00 P.M., Room 128, Common Council Conference Room.

Further information is requested regarding the amendments  
to be made to certain sections of the Code of the City of  
Fort Wayne, Indiana of 1974, to comply with new state statute.

Your cooperation will be greatly appreciated.

*Nora Alicia Iovino 9/21/77*

3/93  
Red

Admn. Appr. \_\_\_\_\_

DIGEST SHEET

TITLE OF ORDINANCE General G-77-09-09.

DEPARTMENT REQUESTING ORDINANCE Law

SYNOPSIS OF ORDINANCE

An ordinance amending certain Sections of the Code of the City

of Fort Wayne, Indiana of 1974. to comply  
with new state statute

EFFECT OF PASSAGE

EFFECT OF NON-PASSAGE

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS)

ASSIGNED TO COMMITTEE (PRESIDENT)

*Paralellus*



## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

room 122

charles w. westerman, clerk

September 30, 1977

Ms. Virginia Grace  
Fort Wayne Newspapers, Inc.  
600 West Main Street  
Fort Wayne, IN 46802

Dear Ms. Grace:

Please give the attached full coverage on the dates of October 4 and October 11, 1977, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council  
of Fort Wayne, IN

Bill No. G-77-08-36  
(as amended)  
Special Ordinance No. G-36-77

Bill No. G-77-06-16  
General Ordinance No. G-35-77

Bill No. G-77-09-09  
General Ordinance No. G-37-77

Please send us five (5) copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely yours,

*Charles W. Westerman*

Charles W. Westerman  
City Clerk

CWN/ne  
ENCL: 3



**City Clerk, Charles W. Westerman**  
(Governmental Unit)

To THE NEWS-SENTINEL

Dr.

**Allen** County, Ind.

FORT WAYNE, INDIANA

**PUBLISHER'S CLAIM****LINE COUNT**

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set)  
— number of equivalent lines

Head	number of lines	2
Body	number of lines	217
Tail	number of lines	1
Total number of lines in notice		<b>220</b>

**COMPUTATION OF CHARGES**

220 lines, 1 columns wide equals 220 equivalent lines at .22¢ cents per line \$ .56.98

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two)

**TOTAL AMOUNT OF CLAIM**

\$ .56.98

\$ .56.98

**DATA FOR COMPUTING COST**

Width of single column 11 ems	Size of type 5½ point
Number of insertions 2	Size of quad upon which type is cast 5½

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date 10-14 1977

Title CLERK

BILL NO. G-77-09  
GENERAL ORDINANCE NO. G-37-77  
Notice is hereby given that on the 22nd day of October, 1977, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did adopt the following Ordinance, to wit:

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

Section 5-28 (c) The following sections of the Code of the City of Fort Wayne, Indiana of 1974 be and the same are hereby amended to read as follows:

Section 1-4 Whenever in any chapter or section of this Code, nothing therein shall be construed to do any breach thereof, and there shall be no fine imposed for any breach by any person who shall be convicted of any breach shall be adjudged to pay a fine of not less than One Hundred Dollars (\$100.00). Each day any violation of this Code or of any ordinance or committee shall constitute a separate offense.

Section 5-28 (c) Any person violating any of the provisions of this section shall, upon conviction, be fined in any sum not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00).

Section 5-29 (c) Any person violating any of the provisions of this section shall, upon conviction, be fined in any sum not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00).

Section 5-30 (c) Any person who shall violate any of the Fire Prevention Code hereby adopted or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications, plans submitted and approved thereunder or any certificate or permit issued thereunder and from which no appeal has been taken, or who shall fail to comply with such an order as may be made by such a Board of Public Safety or by a Court of competent jurisdiction, within the time fixed herein, shall be guilty of a misdemeanor, upon conviction and non-compliance respectively be guilty of a misdemeanor, in any sum not less than Three Hundred Dollars (\$300.00).

The imposition of one penalty for any violation shall not excuse the violation of any other provision and all such persons shall be required to correct or remedy such violations or defects as soon as possible. When not otherwise specified, each five days that prohibited conditions are maintained, shall constitute a separate offense.

Section 14-7 Any person violating any of the provisions of Sections 1-4 and 5-28 upon conviction therof, shall be fined for each offense, in any sum not less than Twenty-five Dollars (\$25.00), nor more than One Hundred Dollars (\$100.00), and each day's violation shall constitute a separate offense.

Section 17-6 Unless another penalty is expressly provided by law, any person convicted of any provision of this chapter shall be punished by a fine of not more than One Hundred Dollars (\$100.00).

Section 17-13 Any person violating any provision of this article shall be guilty of a misdemeanor, and may be fined in the amount not exceeding Three Hundred Dollars (\$300.00). Each day such violation is continued, shall be deemed to continue and shall constitute a separate offense and shall be punishable

**PUBLISHER'S AFFIDAVIT**

State of Indiana } ss:  
ALLEN County }

Personally appeared before me, a notary public in and for said county and state, the undersigned V.E. GERKEN who, being duly sworn, says that she is CLERK of the NEWS-SENTINEL

a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for time, the dates of publication being as follows: 10-14-77

Subscribed and sworn to before me this 11th day of October, 1977

Notary Public

My commission expires 5-22-78

Form 90

Revised

Section 14-6 Any person who violates or permit issued thereunder and from which no appeal has been taken, or who shall fail to comply with such order, shall be affirmed or modified by the Board of Public Safety or by a Court of competent jurisdiction, and such person shall severally for each and every such violation and non-compliance respond to a fine of not more than One Hundred Dollars (\$100.00), punishable by a fine of no more than Three Hundred Dollars (\$300.00). The imposition of one penalty for any violation of any section, the violation or permit it to continue, and all such person shall be required to correct or remove the violation within a reasonable time. When not otherwise specified, each five days that prohibited condition continues uncorrected, shall constitute a separate offense.

Section 14-7 Any person violating any of the provisions of sections 1a and 1b, upon conviction thereof, shall be fined for each offense, in any sum not less than Twenty Five Dollars (\$25.00) and more than One Hundred Dollars (\$100.00), and each day's violation shall constitute a separate offense.

Section 14-8 Unless another penalty is expressly provided by law, every person who violates any provision of any provision of this chapter shall be punished by a fine of not more than One Hundred Dollars (\$100.00).

Section 17-13 Any person violating any provision of this article shall be guilty of a misdemeanor and shall be fined in the amount not exceeding Three Hundred Dollars (\$300.00). Each day such violation continues uncorrected and to continue shall constitute a separate offense and shall be punishable as such hereinafter.

Section 18-14 Whoever utters an approposius or vile epithet involving moral turpitude or the name of Jesus Christ, or the Holy Ghost, in the presence of anyone, or whoever uses vile or indecent language which can be construed as disorderly conduct, and, upon conviction, shall be fined in any sum not exceeding One Hundred Dollars (\$100.00).

Section 18-19 (b) Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and shall be fined in an amount not exceeding Three Hundred Dollars (\$300.00). Each day such violation continues uncorrected and to continue shall constitute a separate offense and shall be punishable as such hereinafter.

Section 18-22 (c) Specific offenses. Whenever accosts or approaches any person or makes sexual advances to such person, and by word or sign or gesture, attempts to speak to or become acquainted with the said person, or will, on a public street or other public place in the city, accept in the transaction of business or business needs, in a public street or other public place in the city, attempts to entice or procure any person to commit or become involved in an unlawful or indecent sexual act or relationship, or whenever accosts or approaches any person in a public street or other public place in the city, and by word, sign or gesture, suggests, insinuates or implies the commission of any indecent, immoral or unnatural sexual act, or whenever accosts or approaches a person on a street or public place, and, by word, sign or gesture, suggests or invites, or furnishes such person with the means or opportunity of engaging in an immoral, indecent or unlawful sexual act, or whenever accosts or approaches any person in a public place, and upon conviction, shall be fined in any amount not exceeding One Hundred Dollars (\$100.00). Upon a second conviction, such persons shall be fined in any amount not exceeding Three Hundred Dollars (\$300.00) nor more than Two Hundred Dollars (\$200.00). Upon a third conviction, such persons, such persons shall be punished by a fine of not less than One Hundred Dollars (\$100.00) and more than Three Hundred Dollars (\$300.00).

Section 18-48 (g) Any person who violates this section or fails to comply with any order of the Common Board of Health issued pursuant to this section shall be subject to a fine of not more than Two Hundred Fifty Dollars (\$250.00).

SECTION 1 This Ordinance shall remain in full force and effect from and after the passage, approval by the Mayor and legal publication thereof.

Vivian G. Schmidt, Councilman  
Read the third time in full and on motion by V. Schmidt seconded by Burns, Hinga, and Nuckles, adopted, placed on its passage PASSED by the following vote:

Ayes: Eight; Burns, Hinga, Hunter,  
Moore, Nuckles, D. Schmidt, V.  
Schmidt, Talarico  
Nays: None  
Abstain: One; Sitter

Dates: 9-27-77

Charles W. Westerman, City Clerk  
Presented by me to the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-37-77 passed by the Common Council on the 27th day of September, 1977, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman, City Clerk  
Approved and signed by me this 29th day of September, 1977, at the hour of 4:00 O'Clock P.M., E.S.T.

Robert E. Armstrong, Mayor

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a true and accurate copy of General Ordinance No. G-37-77 passed by the Common Council on the 27th day of September, 1977, and that said Ordinance was duly signed and approved by the Mayor on the 29th day of September, 1977, and now remains on file and in record in my office.

WITNESS: my hand, and the official seal of the City of Fort Wayne, Indiana, this 29th day of September, 1977.

Charles W. Westerman, City Clerk

10-4-11

## Form Prescribed by State Board of Accounts

City Clerk, Charles W. Westerman  
(Governmental Unit)

To THE NEWS-SENTINEL

Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

## LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set)  
— number of equivalent lines

Head number of lines

2

Body number of lines

217

Tail number of lines

1

Total number of lines in notice

220

## COMPUTATION OF CHARGES

220 lines, 1 columns wide equals 220 equivalent lines at .25¢  
cents per line \$ .50

Additional charge for notices containing rule or tabular work (50 per cent of above amount) -----Charge for extra proofs of publication (50 cents for each proof in excess of two) 1.50

## TOTAL AMOUNT OF CLAIM

\$ 2.00

## DATA FOR COMPUTING COST

Width of single column 9 1/2 emsSize of type 5 1/2 pointNumber of insertions 2Size of quad upon which type is cast 5 1/2

Pursuant to the provision and penalties of Ch. 89, Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

*V.E. Gerken*Date 10-11-19 19 77

Title ..... CLERK

BILL NO. G-77-09-09

GENERAL ORDINANCE NO. G-77-77

Allen County Indiana

State of Indiana

County } ss:

## PUBLISHER'S AFFIDAVIT

State of Indiana }  
Allen County } ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned V.E. GERKEN who, being duly sworn, says that she is CLERK of the NEWS-SENTINEL

DAILY newspaper of general circulation printed and published in the English language in the city FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 114 time(s), the dates of publication being as follows: 10-11-77

Subscribed and sworn to before me this 11th day of October, 1977

Notary Public

My commission expires Sc. 1979

**Common Council City of Fort Wayne**  
(Governmental Unit)

To..... JOURNAL-GAZETTE

Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

**PUBLISHER'S CLAIM****LINE COUNT**

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set)  
— number of equivalent lines

Head	number of lines	2
Body	number of lines	217
Tail	number of lines	1
Total number of lines in notice		<b>220</b>

**COMPUTATION OF CHARGES**

**220** lines, **1** columns wide equals **220** equivalent lines at **.299** per line **\$ 56.98**

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two)

**TOTAL AMOUNT OF CLAIM** **\$ 56.48**

**DATA FOR COMPUTING COST**

Width of single column <b>11</b> ems	Size of type <b>5½</b> point
Number of insertions <b>2</b>	Size of quad upon which type is cast <b>5½</b>

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

**10-11 77**, 19\_\_\_\_\_

Title..... CLERK

BILL NO. G-77-09  
GENERAL ORDINANCE NO. G-77-77  
Notice is hereby given that on the 27th day of September, 1977, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. G-77-09, G-77-77 General Ordinance, to wit:

BE IT ORDAINED BY THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the following sections of the Code of the City of Fort Wayne, Indiana, of 1974 be and the same are hereby amended to read as follows:

Section 1-8 Whenever in any chapter or section of this Code, the doing of any act, or the omission to do any act, or the failure to conform to any statute, ordinance, or rule to break thereof, and there shall be no fine or penalty declared for such, any person who shall be convicted of any breaking thereof shall be fined a sum of not more than One Thousand Dollars (\$1,000.00). Each day any violation of this Code, which offense shall continue shall constitute a separate offense.

Section 1-9 Any person violating any of the provisions of this section shall, upon conviction, be fined in a sum not less than One Hundred Dollars (\$25.00) nor more than Two Hundred Dollars (\$100.00).

Section 5-29 (c) Any person violating any of the provisions of this section shall, upon conviction, be fined in any sum not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00).

Section 10-10 (a) Any person who shall violate any of the provisions of the Prevention Code hereby adopted or fail to comply therewith, who shall violate or fail to comply with any order made thereon, or who shall build in violation of any detailed statement of specifications or plans submitted to the Board of Public Safety or a certificate or permit issued thereunder and from which no appeal has been taken or filed, or who shall violate such an order as affirmed or modified by the Board of Public Safety or the Court of Appeals, shall be required to correct or remedy such violations or defects within a reasonable time. When no other specific period is set forth, each day that such prohibited conditions are maintained, shall constitute a separate offense.

Section 14-5 Any person violating any of the provisions of sections 14-5 and 14-6, upon conviction therof, shall be fined in a sum not less than One Hundred Dollars (\$100.00), nor more than Three Hundred Dollars (\$300.00), and each day's violation shall constitute a separate offense.

Section 17-6 Unless otherwise expressly provided by law, every person convicted of a violation of any provision of this chapter shall be punished by a fine of not more than One Hundred Dollars (\$100.00).

Section 17-113 Any person violating any provision of this article shall be guilty of a misdemeanor and upon conviction thereof, shall be fined in the amount not exceeding Three Hundred Dollars (\$300.00), and each day the violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as a felony.

Section 17-113 Any person violating any provision of this article shall be guilty of a misdemeanor and upon conviction thereof, shall be fined in the amount not exceeding Three Hundred Dollars (\$300.00), and each day the violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as a felony.

**PUBLISHER'S AFFIDAVIT**

State of Indiana } ss:  
**ALLEN** County } ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned **ARVILLA DEWALD** who, being duly sworn, says that she is **CLERK** of the

**JOURNAL-GAZETTE** **DAILY** newspaper of general circulation printed and published in the English language in the city of **FORT WAYNE, INDIANA** in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for **2** time(s), the dates of publication being as follows: **10-11-77**

Subscribed and sworn to before me this **11th** day of **October**, **1977**

*Arvilla De Wald*  
Notary Public

My commission expires **9-28-79**

Form #

**Form #**

Section 12-15 (e) Any person who shall violate any of the Person Protection laws, or fail to obey or comply therewith, who shall violate or fail to comply with any order made by the Board of Public Safety, shall be liable for any violation of any detailed statement of specifications or plans submitted and approved thereon, or any certificate or permit issued thereon, and from which no appeal has been taken or which shall fail to comply with such order or be affirmed or modified by the Board of Public Safety or by a Court of competent jurisdiction, and shall be fined in an amount shall severally for each and every such violation and non-compliance respectively, not less than One Hundred Dollars (\$100.00), and shall be liable, punishable by a fine of no more than Three Hundred Dollars (\$300.00). The imposition of liability for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct such violations or defects within a reasonable time. When not otherwise specified, each day during which such conditions are maintained shall constitute a separate offense.

Section 12-16 Any person violating any of the provisions of sections 14-5 and 14-6, upon conviction therof, shall be fined for each offense, any sum not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00), and each day's violation shall constitute a separate offense.

Section 12-17 Any person violating any provision of this chapter, except as expressly provided by law, every person convicted of a violation of any provision of this chapter shall be punished by a fine of no more than One Hundred Dollars (\$100.00).

Section 17-113 Any person violating any provision of this article shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined in the amount not exceeding Three Thousand Dollars (\$3,000.00). Each such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereinafter.

Section 18-14 Whoever offers an appropriation of ville epithets, including name, language, or the profaning God, Jesus Christ, or the Holy Ghost, in the presence of anyone, or whenever uses vile or indecent language, shall be deemed guilty of indecent conduct, and, upon conviction, shall be fined in any sum not exceeding One Hundred Dollars (\$100.00).

Section 18-19 (b) Any person violating any of the provisions of this section shall be deemed guilty of indecent misconduct, and upon conviction thereof shall be fined in an amount not exceeding Three Hundred Dollars (\$300.00). Each such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

Section 18-32 (c) Any offense. Whoever solicits or approaches any person of the opposite sex, unknown to such person, and by word or sign or gesture, affirms or purports to be desirous acquainted with the person against his will, on a public street or other public place in the city, except in the course of legitimate business, or whoever, on a public street or other public place in the city, attempts to entice, procure, entice or approach any person on a public street or other public place in the city, for the purpose of committing, suggests, invites or offers, the doing of any indecent, immoral or unnatural act sexual act, whenever, accosting or approaching a person on a public street or other public place, and by word, sign or gesture, suggests, invites or offers, procure, direct to or furnish such person with the means or opportunity of engaging in an immoral, indecent or unnatural sexual act or relationship shall be deemed to have committed the crime of offering to commit a sexual offense, and upon conviction, shall be fined in any sum not exceeding One Hundred Dollars (\$100.00). Upon a second conviction, such persons shall be punished by a fine of not less than Fifty Dollars (\$50.00) nor more than two Hundred Dollars (\$200.00). Upon a third or subsequent conviction, such persons shall be punished by a fine of not less than One Hundred Fifty Dollars (\$100.00) and no more than Three Hundred Dollars (\$300.00).

Section 18-33 Any person who violates this section or fails to obey any order of the City-County Board of Health is liable for a fine to be imposed, and shall be subject to a fine of not more than Two Hundred Fifty Dollars (\$250.00).

**SECTION 2:** This Ordinance shall remain in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Vivian G. Schmidt, Councilman

Read three times in full and on motion by V. Schmidt, seconded by Hings, and duly adopted, placed on its passage. PASSED BY THE FOLLOWING VOTE:

Ayes: Eight: Burns, Hings, Hunter,

Moses, Nuckles, D. Schmidt, V.

Schmidt, Vice

Nays: None

Absent: One: Stier

Deaths: None

Charles W. Westerman, City Clerk

Passed and adopted by the Common Council in the City of Fort Wayne, Indiana, as General Ordinance No. G-37-77 on the 27th day of September, 1977.

Sealed Sept. 27, 1977.

ATTEST: (SEAL)

Charles W. Westerman, City Clerk

John Nuckles, Planning Director

Presented this to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of September, 1977, at the hour of 4:00 P.M., A.S.T.

Charles W. Westerman, City Clerk

Approved and signed by me this 29th day of September, 1977, at the hour of 4:00 O'Clock P.M., E.S.T.

Robert E. Armstrong, Mayor

I, Charles W. Westerman, Mayor of the City of Fort Wayne, Indiana do hereby certify that the above and foregoing is a full, true and complete copy of the General Ordinance G-37-77 passed by the Common Council on the 27th day of September, 1977, and that the same was read and approved by the Mayor on the 29th day of September, 1977 and now remains on file in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 29th day of September, 1977.

Charles W. Westerman, City Clerk

10-4-11